

**Notice of Allowability**

Application No.

10/522,937

Examiner

Satya B. Sastri

Applicant(s)

HERFERT ET AL.

Art Unit

1713

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 7/31/07.
2. ☒ The allowed claim(s) is/are 1-29.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |   |   |
|---|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)  | 5. <input type="checkbox"/> Notice of Informal Patent Application                     |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____ |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO/SB/08),<br>Paper No./Mail Date <u>7/31/07</u> | 7. <input type="checkbox"/> Examiner's Amendment/Comment                              |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material                  | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance  |
|   | 9. <input type="checkbox"/> Other _____   |

***EXAMINER'S COMMENT/ REASONS FOR ALLOWANCE***

1. All previous rejections have been overcome by the amendment filed on August 31, 2007 and the rejections are withdrawn. ***Claims 1-29*** are now pending in the application.

2. The terminal disclaimer filed on August 13, 2007 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of copending application Serial No. 10/523,086 has been reviewed and is accepted. The terminal disclaimer has been recorded.

***Reasons For Allowance***

3. ***Claims 1-29*** are allowed.

4. The following is an Examiner's Statement of Reasons for Allowance:

The instant claims are allowable over prior art to Mckinley et al. (US 4,500,670), Schulz (US 5,869,033) and Payzant et al. (WO 00/72958 A1).

Mckinley et al. disclose water absorbent compositions exhibiting increased gel strength comprising a water swellable hydrophilic polymer and an inorganic powder, by physically blending the polymer and powder.

Prior art to Schulz discloses a fabric incorporating an organophilic clay, preferably dispersed in a matrix of superabsorbent polymer. About 3-50% by wt. of an organophilic clay may be incorporated into a dermatological vehicle. The clay may also be incorporated into polymers such as crosslinked acrylic acid, methacrylic acid etc.

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Payzant et al. disclose networked polymer/clay alloys produced from a monomer/clay mixture comprising monomer, a crosslinking agent and clay particles (abstract). The monomers may include acrylic acid, acrylamide, sodium acrylate etc.

The prior art of record fails to teach or suggest incorporating clay into an un-neutralized SAP hydrogel, then neutralizing the SAP-clay hydrogel, and then drying the SAP-clay hydrogel. Additionally, the instant invention demonstrates the criticality of the process by way of unexpected results in working example 5 and comparative example 1 wherein the post neutralization of SAP-clay hydrogel affords superior product in terms of gel consistency and handling characteristics. Therefore, the instantly claimed invention is deemed allowable over closest prior art of record as per said art neither anticipating nor rendering obvious, alone or in combination, the instantly claimed invention.

Any comments considered necessary by applicant must be submitted no later than the payment of the Issue Fee and, to avoid processing delays, should preferably accompany the Issue Fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

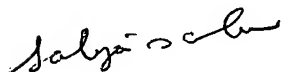
#### ***Future Correspondence***

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Satya Sastri whose telephone number is 571-272-1112. The examiner can be reached on Wednesdays and Fridays, 7AM-5PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wu can be reached on 571-272-1114. The fax phone numbers for the organization where this application or proceeding is assigned is (571) 273 8300 for regular communications. The unofficial direct fax phone number to the Examiner's desk is 571-273-1112.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



SATYA SASTRI

September 5, 2007



DAVID W. WU  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 1700